



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, February 18, in the Senate Room at the Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend. For more information, call (785) 296-3976.

Wayne Bollig
Chief Operations Office

Doc. No. 031599

(Published in the Kansas Register February 10, 2005.)

USDA—Natural Resources
Conservation Service

Notice of Kansas Technical Committee Meeting

The Kansas Technical Committee will meet from 10 a.m. to 3 p.m. Monday, March 7, at the Kansas Highway Patrol, 2025 E. Iron, Salina, to review recommendations from the Grassland Reserve Program subcommittee regarding the fiscal year 2005 funding and ranking criteria. The KTC also will review and ask for input on the Environmental Quality Incentives Program national priorities and their significance to the state.

For more information, contact Gaye Benfer, Acting Assistant State Conservationist for Programs, USDA—NRCS, 760 S. Broadway, Salina, 67401-4604, (785) 823-4569; fax (785) 823-4540, or e-mail at gaye.benfer@ks.usda.gov.

Gaye Benfer
Acting Assistant State Conservationist

Doc. No. 031600

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$4,513,786.26 in the underground petroleum storage tank release trust fund and \$1,598,837.24 in the aboveground petroleum storage tank release fund at January 31, 2005.

Duane Goossen
Secretary of Administration

Doc. No. 031603

State of Kansas

Kansas Public Employees
Retirement System

Request for Proposals

The Kansas Public Employees Retirement System, a public pension plan with assets of \$11 billion, is seeking information from investment management firms managing enhanced index (or targeted/controlled risk) mandates against broad equity indices.

Additional details regarding the potential assignment can be found within the RFP document, which is available through the KPERS Web site at www.kpers.org. Questions about accessing the RFP should be directed to Mary Ann Sachs at (785) 296-1018. Responses are due before 5 p.m. February 28.

Glenn Deck
Executive Director

Doc. No. 031597

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State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (785) 864-3416 or fax (785) 864-3454 for additional information:

February 21, 2005
RFQ 39150

Student Room Furniture

February 25, 2005
RFQ 85009

Building Materials

Barry Swanson
Director of Purchasing and
Business Services

Doc. No. 031605

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2376:

- 02/22/2005 08099 Bituminous Plant Mixture (Hot Mix-Cold Lay) District #4
- 02/22/2005 08102 Tandem Axle Box Truck
- 02/22/2005 08121 Provide County Emergency Plan for Foreign Animal Disease
- 02/23/2005 08106 Maintenance of Highway Lighting
- 02/23/2005 08111 Arrow Boards
- 02/24/2005 08119 Wheel Tractors
- 02/25/2005 08108 Crawler Tractor Dozer
- 03/02/2005 08080 Actuary Services
- 03/04/2005 08110 Multimedia Advertising Campaign
- 03/18/2005 08105 Child Support Enforcement Services

The above referenced bid documents can be downloaded at the following Web site:

<http://da.state.ks.us/purch/rfq/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default/htm>

Contractors wishing to bid on the projects listed below must be prequalified. For more information about the prequalification process or to obtain the following bid documents, call (785) 296-8899:

- 02/17/2005 A-010030 Basement Reconfiguration
- 02/25/2005 A-9985 Roof and HVAC Replacement

Chris Howe
Director of Purchases

Doc. No. 031609

State of Kansas

Department on Aging

Request for Proposals

Special project grant applications are now being accepted for the Prevention of Elder Abuse, Neglect and Exploitation (PEANE). The project proposal should address either education, training or research for the prevention of elder abuse, neglect, financial abuse or exploitation of older individuals.

Contact Merlene Smith at (785) 368-7230 or (800) 432-3535 to request a PEANE special project grant application. The completed application must be returned to the Kansas Department on Aging, 503 S. Kansas Ave., Topeka, 66603-3404, by 5 p.m. Friday, March 4.

Only project proposals requesting \$7,000 or less will be considered. The grant period is from April 1, 2005 through March 31, 2006. Any Kansas public agency or private not-for-profit corporation registered with the Kansas Secretary of State may apply for these funds.

Pamela Johnson-Betts
Secretary of Aging

Doc. No. 031595

(Published in the Kansas Register February 10, 2005.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, March 11, for the following project:

**(KDOT Project No. 87N-0240-01/472-83933/
244115/772510)**

(OCA Code 715699/636113)

Bridge

1st Street North Bridge over West Branch of Chisholm Creek

Requests for the bid documents and plans should be directed to City Blue Print, (316) 265-6224, or Marty Murphy, (316) 268-4488. Other questions should be directed to the respective design engineer at (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Kim Pelton at (316) 268-4499 for extra sets of plans and specifications, or contact City Blue Print.

Marty Murphy
Administrative Aide
City of Wichita—Engineering

Doc. No. 031604

State of Kansas

Governmental Ethics Commission

Opinion No. 2005-01

Written January 27, 2005, to Dan Riley, Chief Counsel, Kansas Department of Agriculture, Topeka.

This opinion is in response to your letter dated January 10, 2005, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

FACTUAL STATEMENT:

We understand that you are asking for this opinion in your capacity as Chief Counsel for the Kansas Department of Agriculture (KDA). You have explained that General Motors (GM) has proposed a one-year, no cost lease of a new GM vehicle that utilizes an 85% ethanol fuel blend to all member states of the Governors' Ethanol Coalition. Kansas is a member of this Coalition and the KDA is an active participant. KDA does not regulate GM in any manner, and is not involved with any contractual matter involving GM. KDA would like to take advantage of this opportunity to promote ethanol use through utilization of the vehicle.

QUESTION:

May KDA accept from GM a new GM vehicle under a one-year no cost lease?

OPINION:

K.S.A. 46-237 states in part:

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee . . . of that agency.

Additionally, K.S.A. 46-237a, which applies to all officers and employees of the executive branch, states in pertinent part:

(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position, except:

...

(3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state. . . .

K.S.A. 46-223 defines "person" to include "a governmental agency unit."

K.A.R. 19-40-3a defines the term "gift" as follows:

(b) "Gift" means the transfer of money or anything of value unless legal consideration of a reasonably equal or greater value is received in return. . . .

KDA is considered a person subject to the statutes and regulation cited above, and the use of a car is something of value for which KDA will not give any consideration in return. Therefore, the free use of a car would be a gift

under K.S.A. 46-237 and 46-237a. Because KDA does not license, inspect or regulate GM, K.S.A. 46-237 would not prohibit the acceptance of this gift by KDA. You have stated that KDA would like to take advantage of this opportunity to promote ethanol use through the use of this vehicle. As long as KDA receives this car on behalf of the State and the use of the car inures to the benefit of the State, its acceptance would not be a violation of K.S.A. 46-237a. KDA may accept the car on behalf of the State and use it to benefit the State without violating the state level conflict of interest laws.

Daniel Sevart
Chairman

Doc. No. 031592

State of Kansas

Department of Revenue

Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for January 2005. Copies can be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at (785) 296-3081.

Private Letter Rulings

P-2004-059 Nonprofit corporation.
P-2004-060 Nonprofit corporation/charities.
P-2004-061 Nonprofit organization for youth.
P-2004-062 Gross receipts from the service of renting of rooms by hotels.

Opinion Letters

No New Publications

Final Written Determination

No New Publications

Revenue Rulings

No New Publications

Notices

Notice 04-13 Revised notice—sales to nonresidents of Kansas.
Notice State and Local Sales/Use Tax Rate Changes.
(Effective 04/01/2005)

Memorandums

No New Publications

Property Valuation Division Directives

No New Publications

Q&A's

No New Publications

Information Guides

No New Publications

Joan Wagnon
Secretary of Revenue

Doc. No. 031598

State of Kansas

**Department of Administration
Division of Facilities Management**

**Notice of Commencement of Negotiations
for On-Call Engineering Services**

Notice is hereby given of the commencement of negotiations for "on-call" mechanical-electrical-plumbing engineering services for small projects for the Kansas Department of Corrections. The contract will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Mike Gaito, (785) 296-0883.

To be considered, a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant should be provided in one bound proposal. Also required are four bound copies of the same information and one CD with one PDF file of the same information. Proposals should be concise and follow the 2004 State Building Advisory Commission guidelines, which have previously been distributed to firms. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Room 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796.

Submittals should be received by Phyllis Fast before noon February 25.

D. Keith Meyers
Director, Division of
Facilities Management

Doc. No. 031608

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, February 24, in the offices of Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the K DFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

Project No. 000624—Maximum Principal Amount: \$191,835. Owner/Operator: Daryl A. and Joni R. Fink. Description: Acquisition of 168 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at Section 13, Herkimer Township, and Section 18, Oketo Township, Marshall County, Kansas, at 340 7th Road, approximately 1.5 miles west and 8 miles north of Marysville.

The bond, when issued, will be a limited obligation of the K DFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the K DFA, nor will it be an

indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the K DFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the K DFA.

Any individual affected by the above-described project may, at or prior to the hearing, file a written request with the K DFA that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Stephen R. Weatherford
President

Doc. No. 031607

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. February 16 and then publicly opened:

District One—Northeast

Johnson—435-46 K-8262-02—I-435 and Antioch Road in Overland Park, grading and surfacing. (State Funds)

Pottawatomie—63-75 K-9566-01—K-63 bridge, 7.4 miles north of the K-16/K-63 north junction, bridge repair. (State Funds)

Shawnee—70-89 K-9568-01—I-70, Polk-Quincy Viaduct, bridge repair. (State Funds)

Shawnee—89 U-1840-01—Southwest 6th Street from Oakley to Southwest Gage in Topeka, 0.5 mile, grading and surfacing. (Federal Funds)

District Two—Northcentral

Chase—50-9 K-9929-01—Various locations on U.S. 50 from the Marion-Chase county line northeast to the Chase-Lyon county line, 30.3 miles, joint repair. (State Funds)

Dickinson—70-21 K-9928-01—I-70 from the Dickinson-Geary county line west 6 miles, joint repair. (State Funds)

Geary—70-31 K-9927-01—I-70 from the Dickinson-Geary county line east to the Geary-Riley county line, 26.3 miles, joint repair. (State Funds)

District Three—Northeast

Phillips—183-74 K-9600-01—U.S. 183, Deer Creek drainage, 0.1 mile south of the junction of U.S. 36, bridge repair. (State Funds)

Russell—84 C-3635-01—Wichita Avenue from St. John's Street to U.S. 281 in Russell, 0.6 mile, grading and surfacing. (Federal Funds)

(continued)

Wallace—27-100 K-7375-01—Eagle Trail Creek, 0.6 mile south of the U.S. 40 west junction, bridge replacement. (Federal Funds)

District Four—Southeast

Allen—1 C-3776-01—County road 1.4 miles east of Humboldt, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Crawford—7-19 K-7426-01—K-7, West Fork Dry Wood Creek, 8.8 miles north of K-57, bridge replacement. (Federal Funds)

Neosho—59-67 K-6814-01—U.S. 59, Labette Creek drainage bridge, 2.5 miles north of the Labette-Neosho county line, bridge replacement. (Federal Funds)

Miami—68-61 K-9602-01—K-68 culvert, approximately 7.5 miles east of the Miami-Franklin county line, culvert repair (State Funds)

District Five—Southcentral

Comanche—160-17 K-7392-01—U.S. 160, bridges 4.2 miles and 4.7 miles east of the Clark-Comanche county line, bridge replacement. (Federal Funds)

Cowley—77-18 K-9589-01—U.S. 77, Arkansas River bridge, 3 miles north of the Oklahoma-Kansas state line, bridge repair. (State Funds)

Sedgwick—35-87 K-9128-01—127th Street bridge over the Kansas Turnpike Authority, 0.1 mile northeast of the junction of U.S. 54, bridge widening. (State Funds)

Stafford—50-93 K-9129-01—U.S. 50, Rattlesnake Creek bridge, 11 miles east of the Edwards-Stafford county line, bridge widening. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid.

This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

Deb Miller
Secretary of Transportation

Doc. No. 031590

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 2-7-05 through 2-13-05

Term	Rate
1-89 days	2.46%
3 months	2.46%
6 months	2.72%
1 year	2.96%
18 months	3.15%
2 years	3.26%

Derl S. Treff
Director of Investments

Doc. No. 031593

State of Kansas

**Department of Health
and Environment**

**Request for Bids on the Kansas Childhood
Lead Poisoning Prevention Program**

Sealed bids for the items listed will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (785) 296-1519:

February 22, 2005

264-05-5

**Project Lead Safe KCK —
Lead Hazard Reduction at the following properties:**

- Property #1 6227 Roswell Ave.
Kansas City, KS 66104
- Property #2 2261 Roswell Ave.
Kansas City, KS 66104
- Property #3 280 S. Coy
Kansas City, KS 66101
- Property #4 351 N. 8th
Kansas City, KS 66101
- Property #5 2059 N. 7th Street
Kansas City, KS 66101

Contractors will be required to attend a walkthrough of each property in order to be eligible to respond to the Invitation for Bid. For times and actual locations, call (913) 262-0796 or go to the following Web site: http://www.unleadedks.com/contractor_info.html

The above referenced bid documents can be downloaded at the Web site listed above.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 031601

State of Kansas
Social and Rehabilitation Services

Request for Proposals

The Department of Social and Rehabilitation Services announces the release of a request for proposals by the Children's Mental Health Team, Health Care Policy—Mental Health to build the infrastructure necessary to provide out-of-home crisis stabilization and support services to children and families. The Child and Adolescent Mental Health Out-Of-Home Crisis Stabilization Infrastructure Grants are intended to provide funds to increase the capacity of the community mental health service system to fully implement Mental Health Initiative 2000 Phase II Crisis Plans. This infrastructure grant is intended for applicants seeking to develop or enhance their crisis services infrastructure in order to support effective out-of-home crisis service delivery.

Vendors interested in receiving a request for proposals should contact Brad Kirmer at the SRS—Division of Health Care Policy—Mental Health, 10th Floor North, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296-3471, fax (785) 296-6142. Complete proposals must be received not later than 5 p.m. April 8.

Gary J. Daniels
 Acting Secretary of Social and
 Rehabilitation Services

Doc. No. 031611

State of Kansas
**Department of Health
 and Environment**

**Notice Concerning Kansas
 Water Pollution Control Permits**

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the state of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-05-015/017

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Mather Cattle Company Jim Mather 2420 US 83 Oakley, KS 67748	NW/4 of Section 02, T12S, R32W, Logan County	Smoky Hill River Basin

Kansas Permit No. A-SHLG-B001

This is a renewal permit and name change for an existing facility with a maximum capacity of 600 head (600 animal units) of cattle weighing greater than 700 pounds each.

Name and Address of Applicant	Legal Description	Receiving Water
Nelson Hog Farms LLC - Site C N. Terry Nelson P.O. Box 8 Long Island, KS 67647	NW/4 of Section 17, T01S, R21W, Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-H004

Federal Permit No. KS0094111

This is a renewal permit for an existing facility for a maximum of 7,680 head (3,072 animal units) of swine weighing more than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Terry Smith 130390 N.W. 110th St. Macksville, KS 67557	SW/4 of Section 05, T26S, R15W, Pratt County	Lower Arkansas River Basin

Kansas Permit No. A-ARPR-B005

This is a renewal permit for a facility for 999 head (999 animal units) of beef cattle requiring the construction of waste controls.

Public Notice No. KS-05-018

Name and Address of Applicant	Waterway	Type of Discharge
Brookville, City of P.O. Box 14 Brookville, KS 67425	West Spring Creek	Treated Domestic Wastewater

Kansas Permit No. M-SA02-OO01

Federal Permit No. KS0096831

Legal: SW¹/₄, SW¹/₄, S3, T15S, R5W, Saline County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and fecal coliform. Monitoring of ammonia and pH also will be required. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-ND-05-003

Name and Address of Applicant	Legal Location	Type of Discharge
Mont Ida Meats c/o Howard Yoder 22407 N.W. Indiana Road Welda, KS 66091	SW ¹ / ₄ , S18, T21S, R19E, Anderson County	Nonoverflowing

Kansas Permit No. I-MC53-NP03

Facility Description: The proposed action is to issue a new permit for operation of a new wastewater treatment facility. The proposed facility will consist of a slaughter house and meat processing operation that handles up to 10 animals per week. Domestic and process wastewater will be directed to a two-cell, nonoverflowing earthen lagoon with an option for irrigation. Hides, offal, blood and solid waste will be removed by a by-product processor. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process.

(continued)

Comments or objections should be submitted to the attention of April Romero for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before March 12 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-05-015/017, KS-05-018, KS-ND-05-003) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays,
67601-2651, (785) 625-5664

North Central District Office, 2501 Market Place,
Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence,
66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (620) 225-0596

South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute,
66720, (620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities are available on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 031602

(Published in the Kansas Register February 10, 2005.)

Leavenworth County Port Authority

Request for Proposals

The Leavenworth County Port Authority (LCPA) seeks proposals for the civil engineering of Lot 17 of the Urban Hess Business Center in preparation of construction of a 10,000 sq. ft. building. Anticipated services include the following:

1. Boundary/Topographic Survey
2. Site Plan
3. Site Construction Documents
4. Sanitary Sewer
5. Waterline Design
6. Storm Sewer Design
7. Stormwater Pollution Prevention Plan (SWP3)

These services include serving as the client's professional representative for the project and providing professional consultation and advice.

The engineer shall provide a proposal for the total cost of the project.

Proposals are due by 4 p.m. February 28 and should be addressed to Deirdre Hock, LCPA/LAD Offices, 1298 Eisenhower Road, Leavenworth, 66048.

For more information on proposal requirements or other questions, contact Deirdre Gamill Hock at (913) 727-6111 or deirdre@lvarea.com.

Deirdre Gamill Hock
Economic Development Coordinator

Doc. No. 031612

State of Kansas

Legislature

The following numbers and titles of bills and resolutions were introduced January 27-February 2 by the 2005 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at www.kslegislature.org.

House Bills

HB 2187, An act relating to the taxation of motor vehicles; concerning exemptions for certain military individuals; amending K.S.A. 2004 Supp. 79-5107 and repealing the existing section, by Representative Otto.

HB 2188, An act concerning school districts; relating to teachers; establishing a grant program for development of peer assistance and peer assistance and review programs, by Representative Loganbill.

HB 2189, An act concerning retirement; relating to the Kansas public employees retirement system and systems thereunder; lump-sum death benefit; amending K.S.A. 74-4989 and repealing the existing section, by Representatives Lane, Burgess, Burroughs, Crow, Dillmore, Flora, Grant, Hawk, Henderson, Holland, Humerickhouse, Hutchins, Kirk, Kuether, Loganbill, Long, Mah, Mays, McKinney, Menghini, Pauls, Ruff, Ruiz, Svaty, Thull, Treaster, Williams and Winn.

HB 2190, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; retirant dividend payments to certain retirants thereof, by Representatives Lane, Burroughs, Crow, Dillmore, Flaharty, Flora, Gordon, Grant, Hawk, Henderson, Holland, Humerickhouse, Hutchins, Kirk, Kuether, Loganbill, Long, Mah, Mays, Menghini, Pauls, Ruff, Ruiz, Svaty, Thull, Treaster, Williams and Winn.

HB 2191, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; postretirement benefit adjustment; amending K.S.A. 2004 Supp. 74-4920 and repealing the existing section, by Representatives Lane, Burgess, Burroughs, Crow, Dillmore, Flaharty, Flora, Gordon, Grant, Hawk, Henderson, Holland, Humerickhouse, Hutchins, Kirk, Kuether, Loganbill, Long, Mah, Menghini, Pauls, Ruff, Ruiz, Svaty, Thull, Treaster, Williams and Winn.

HB 2192, An act concerning disposition of certain tobacco litigation settlement proceeds; establishing the health care for seniors fund, by Representatives Huff, Colloton, Cox, DeCastro, Faust-Goudeau, Garcia, Gordon, Horst, Huntington, Kirk, Lane, Jim Morrison, Vickrey and Yonally.

HB 2193, An act concerning funding for certain home and community-based services for the elderly; amending K.S.A. 2004 Supp. 75-3717 and repealing the existing section, by Representatives Huff, Colloton, Dahl, Faust-Goudeau, Garcia, Gordon, Horst, Huntington, Kirk, Lane, Mah, Jim Morrison, Pottorff, S. Sharp, Thull and Yonally.

HB 2194, An act concerning the state workforce investment program; membership of the state workforce investment board and local workforce investment boards; designating older Kansans as a special target population, by Representatives Huff, Beamer, Cox, Dahl, DeCastro, Faust-Goudeau, Garcia, Gordon, Hayzlett, Horst, Huntington, Kirk, Lane, Mah, Jim Morrison, O'Malley, Pottorff, S. Sharp, Storm, Thull, Vickrey, Williams and Yonally.

HB 2195, An act concerning homestead property tax refunds; amending K.S.A. 79-4509 and repealing the existing section, by Representatives Huff, Dahl, Faust-Goudeau, Flora, Garcia, Gordon, Hayzlett, Horst, Huntington, Kirk, Lane, Jim Morrison, Pottorff, Storm, Thull, Vickrey and Yonally.

HB 2196, An act concerning the state long-term care ombudsman; amending K.S.A. 2004 Supp. 75-7301 and repealing the existing section, by Representatives Huff, Colloton, Dahl, DeCastro, Faust-Goudeau, Garcia, Gordon, Hayzlett, Horst, Huntington, Kirk, Lane, Mah, Jim Morrison, O'Malley, Pottorff, S. Sharp, Storm, Thull, Vickrey and Yonally.

HB 2197, An act creating the health care for seniors fund; concerning the disposition of a sales tax and compensating use tax proceeds; prescribing certain powers, duties and functions for the secretary of aging and secretary of revenue; amending K.S.A. 2004 Supp. 79-3620 and 79-3710 and repealing the existing sections, by Representatives Huff, Cox, DeCastro, Faust-Goudeau, Garcia, Horst, Kirk, Lane, Storm, Thull and Yonally.

HB 2198, An act concerning child care facilities; relating to the disclosure of certain records relating thereto; amending K.S.A. 65-525, as amended by section 19 of chapter 145 of the 2004 Session Laws of Kansas, and repealing the existing section, by Committee on Governmental Organization and Elections.

HB 2199, An act concerning children in need of care; relating to informal supervision; amending K.S.A. 38-1544 and repealing the existing section, by Committee on Appropriations (By Request of the Joint Committee on Children's Issues).

HB 2200, An act concerning the support and care of children; relating to children in need of care; concerning rights of certain parties to be present at certain proceedings; amending K.S.A. 2004 Supp. 38-1552a and repealing the existing section, by Committee on Appropriations (By Request of the Joint Committee on Children's Issues).

HB 2201, An act concerning offender registration; relating to retroactivity; amending K.S.A. 2004 Supp. 22-4902 and 22-4912 and repealing the existing sections, by Representatives Long and Ward.

HB 2202, An act concerning workers compensation; relating to discounts for workplace safety consultation, by Representative Ward.

HB 2203, An act concerning nonprofit medical and hospital service corporations; relating to termination of health insurance coverage for cause; amending K.S.A. 40-19c06 and repealing the existing section, by Committee on Insurance.

HB 2204, An act concerning sales taxation; relating to exempt property; health and fitness organizations and businesses; amending K.S.A. 2004 Supp. 79-3603 and repealing the existing section, by Committee on Health and Human Services.

HB 2205, An act concerning lenders; prohibiting unauthorized use of lender's name, trade name or trademark, by Committee on Financial Institutions.

HB 2206, An act concerning the department of corrections; relating to the disposal of abandoned inmate property; amending K.S.A. 75-5257

and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2207, An act concerning property taxation; relating to homestead property tax refunds; income determination; amending K.S.A. 2004 Supp. 79-4502 and repealing the existing section, by Committee on Taxation.

HB 2208, An act establishing a task force on the prevention and treatment of obesity, by Representative Pottorff.

HB 2209, An act relating to local boards of education; authorizing board members to be employees of the school district; amending K.S.A. 72-8202e and repealing the existing section, by Representatives Otto, Horst, Mah, Pauls and Powers.

HB 2210, An act concerning hunting; amending K.S.A. 2004 Supp. 32-920 and repealing the existing section, by Representatives Otto, Beamer, Brown, Dahl, Faber, George, Goico, Grange, Hayzlett, Holland, M. Holmes, Kelsey, Lane, Larkin, Mah, Mast, McLeland, Merrick, Judy Morrison, Myers, Neufeld, Oharah, Olson, Pauls, Powell, Powers, Ruff, Siegfried, Watkins and Williams.

HB 2211, An act concerning ambulances; relating to carrying explanations of legal documents, by Committee on Health and Human Services.

HB 2212, An act relating to schools; concerning procedures relating to teacher contracts; amending K.S.A. 72-5439 and 72-5443 and K.S.A. 2004 Supp. 72-5438, 76-11a06, 76-11a07 and 76-11a11 and repealing the existing sections, by Representative F. Miller.

HB 2213, An act concerning formation of corporations; amending K.S.A. 2004 Supp. 17-6002 and repealing the existing section, by Representative Davis.

HB 2214, An act concerning crimes and punishment; relating to counterfeiting United States currency, by Representative Kilpatrick.

HB 2215, An act relating to commercial driver's licenses; creating the hazmat fee fund; amending K.S.A. 8-259 and K.S.A. 2004 Supp. 8-267 and 8-2,151 and repealing the existing sections, by Committee on Transportation.

HB 2216, An act regulating traffic; restricting the use of wireless telephones while driving; amending K.S.A. 8-2106 and repealing the existing section, by Committee on Transportation.

HB 2217, An act relating to the division of vehicles; concerning records thereof; amending K.S.A. 2004 Supp. 74-2012 and repealing the existing section, by Committee on Transportation.

HB 2218, An act relating to drivers' licenses; concerning certain age restrictions; amending K.S.A. 8-235d, 8-237, 8-239, 8-296, 8-297 and 8-2,147 and K.S.A. 2004 Supp. 8-240 and repealing the existing sections, by Representative Burroughs.

HB 2219, An act concerning sales taxation; relating to exemptions; project of West Sedgwick County-Sunrise Rotary Club; amending K.S.A. 2004 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2220, An act concerning sales taxation; relating to exemptions; cleaning and reconditioning of storage and transport petroleum drums; amending K.S.A. 2004 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2221, An act concerning sales taxation; relating to exemptions; public libraries and support organizations; amending K.S.A. 2004 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2222, An act enacting the individual development account program act; prescribing certain duties and responsibilities on the department of commerce; amending K.S.A. 74-5005 and K.S.A. 2004 Supp. 79-32,117 and repealing the existing sections; also repealing K.S.A. 79-32,117h and K.S.A. 2004 Supp. 79-32,117j and 79-32,117k, by Committee on Taxation.

HB 2223, An act concerning the board of pharmacy; relating to hearing costs; amending K.S.A. 65-1627h and repealing the existing section, by Committee on Health and Human Services.

HB 2224, An act concerning health care; relating to a pain patient's bill of rights, by Committee on Health and Human Services.

HB 2225, An act concerning pharmacists; relating to renal dialysis facility pharmacist consultants; amending K.S.A. 65-1661 and repealing the existing section, by Committee on Health and Human Services.

HB 2226, An act concerning the department of wildlife and parks; prescribing certain procedures for acquisition of land by such department, by Committee on Appropriations.

HB 2227, An act transferring the functions of the office of state fire marshal to the board of fire services; amending K.S.A. 31-136, 40-252,

(continued)

65-506, 75-1506, 75-1510, 75-1515 and 75-1516 and repealing the existing sections, by Committee on Appropriations.

HB 2228, An act concerning state procurement; relating to state purchase of products by certain qualified vendors; amending K.S.A. 75-3317, 75-3319, 75-3321 and 75-3322 and K.S.A. 2004 Supp. 75-3320 and repealing the existing sections, by Committee on Appropriations.

HB 2229, An act concerning cities; relating to annexation; amending K.S.A. 12-520 and 12-520a and repealing the existing sections, by Committee on Governmental Organization and Elections.

HB 2230, An act concerning cities; relating to annexation; amending K.S.A. 12-520 and repealing the existing section, by Committee on Governmental Organization and Elections.

HB 2231, An act concerning crimes, punishment and criminal procedure; relating to the nonprison sanction of a certified drug abuse treatment program; amending K.S.A. 2004 Supp. 21-4603d and 21-4729 and repealing the existing sections, by Representative McCreary.

HB 2232, An act concerning Kansas film services commission; relating to members and duties; amending K.S.A. 74-9202 and K.S.A. 2004 Supp. 74-9201 and repealing the existing sections, by Committee on Economic Development.

HB 2233, An act concerning civil procedure; relating to immunity from liability for claims relating to weight gain or obesity, by Committee on Federal and State Affairs.

HB 2234, An act relating to state educational institutions; concerning tuition; amending K.S.A. 2004 Supp. 76-729 and repealing the existing section, by Committee on Higher Education.

HB 2235, An act concerning income taxation; relating to credits; disclosures; amending K.S.A. 2004 Supp. 79-3234 and repealing the existing section, by Committee on Taxation.

HB 2236, An act concerning sales taxation; relating to exemptions; Marillac Center, Inc.; amending K.S.A. 2004 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2237, An act concerning taxation; relating to secretary of revenue; tax report to legislature, by Committee on Taxation.

HB 2238, An act concerning taxation; relating to duties of secretary of revenue; tax incidence impact analysis, by Committee on Taxation.

HB 2239, An act concerning agriculture; relating to sale of transgenic wheat seed; requirements and penalties for certain unlawful acts, by Committee on Agriculture.

HB 2240, An act concerning certain public utilities; relating to energy efficiency and conservation programs for certain customers; providing for recovery of certain amounts therefor, by Committee on Utilities.

HB 2241, An act concerning adult care homes; relating to risk assessment plans and inspection reports; amending K.S.A. 39-935 and repealing the existing section, by Committee on Insurance.

HB 2242, An act repealing K.S.A. 74-7405a; relating to the confidentiality of certain records, by Committee on Governmental Organization and Elections.

HB 2243, An act concerning certain joint water districts; relating to transfers of assets, liabilities and territory; amending K.S.A. 80-1616 and repealing the existing section, by Committee on Governmental Organization and Elections.

HB 2244, An act concerning sales taxation; relating to exemptions; KSDS, Inc.; amending K.S.A. 2004 Supp. 79-3606 and repealing the existing section, by Representative Schwartz.

HB 2245, An act concerning fireworks; enacting the Kansas fireworks act, by Committee on Appropriations.

HB 2246, An act concerning property taxation; relating to classification of property; amending K.S.A. 79-1439a and repealing the existing section, by Committee on Taxation.

HB 2247, An act concerning school records of certain pupils; relating to the transfer thereof; imposing duties upon the secretary of the department of social and rehabilitation services, by Representative Decker.

HB 2248, An act concerning private construction contracts; enacting the private construction prompt payment act, by Committee on Commerce and Labor.

HB 2249, An act concerning the incorporation of cities; amending K.S.A. 15-123 and repealing the existing section, by Representative Merrick.

HB 2250, An act concerning election campaign finance; prohibiting contributions in elections for the office of commissioner of insurance from certain entities; and prescribing penalties for the violation thereof, by Representative Holland.

HB 2251, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder;

employment after retirement; requiring certain duties of state board of education; amending K.S.A. 72-5437, 72-5445, 72-7513, 74-4914, 74-4922 and 74-4939 and repealing the existing sections, by Representative Otto.

HB 2252, An act relating to school districts; concerning the changing of member district boundaries; amending K.S.A. 72-6769 and repealing the existing section, by Representative Otto.

HB 2253, An act concerning wildlife; relating to wildlife violations; amending K.S.A. 22-2908 and 32-1031 and K.S.A. 2004 Supp. 32-1032 and repealing the existing sections, by Committee on Wildlife, Parks and Tourism.

HB 2254, An act concerning elections; relating to paper verification of votes cast on electronic voting machines; amending K.S.A. 25-1308 and 25-1310 and repealing the existing sections, by Representative Holland.

HB 2255, An act concerning insurance; pertaining to changing terms of certain individual policies; amending K.S.A. 40-2257 and repealing the existing section, by Representative Holland.

HB 2256, An act concerning health care; relating to advanced registered nurse practitioners; amending K.S.A. 65-1130 and 65-2837a and K.S.A. 2004 Supp. 65-468, 65-1626, 65-4101 and 72-5213 and repealing the existing sections, by Committee on Health and Human Services.

HB 2257, An act concerning insurance; relating to inpatient coverage, by Committee on Health and Human Services.

HB 2258, An act concerning health care; establishing the patient safety act; amending K.S.A. 65-430 and repealing the existing section, by Committee on Health and Human Services.

HB 2259, An act concerning franchise tax; relating to rate; elimination; amending K.S.A. 2004 Supp. 79-5401 and repealing the existing section, by Committee on Taxation.

HB 2260, An act concerning estate taxation; concerning conformity to federal law; amending K.S.A. 2004 Supp. 79-15,101 and 79-15,102 and repealing the existing sections, by Committee on Taxation.

HB 2261, An act concerning crimes, punishment and criminal procedure; relating to searches without a search warrant; amending K.S.A. 22-2501 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2262, An act concerning civil procedure; relating to legal holidays; amending K.S.A. 2004 Supp. 60-206 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2263, An act concerning transmission of electricity; enacting the Kansas electric transmission authority act; amending K.S.A. 2004 Supp. 66-1237 and repealing the existing section, by Committee on Utilities.

HB 2264, An act concerning the department of health and environment; relating to the director of health; amending K.S.A. 75-5603 and repealing the existing section, by Committee on Appropriations.

HB 2265, An act concerning commerce; concerning qualified manufacturers of cellulose film, by Committee on Economic Development.

HB 2266, An act concerning explosives; enacting the Kansas explosives act, by Committee on Appropriations.

HB 2267, An act concerning state finances; relating to biennial budget estimates and appropriations; amending K.S.A. 46-155 and K.S.A. 2004 Supp. 75-3717 and 75-6701 and repealing the existing sections, by Representative Holland.

HB 2268, An act concerning the uniform interstate enforcement of domestic violence protection orders act; amending K.S.A. 2004 Supp. 21-3843 and repealing the existing section, by Committee on Judiciary.

HB 2269, An act concerning real property; relating to home inspections, by Committee on Judiciary.

HB 2270, An act concerning consumer warranties; amending K.S.A. 2004 Supp. 50-624, 50-627 and 50-639 and repealing the existing sections, by Committee on Judiciary.

House Resolutions

HR 6008, A resolution congratulating and commending the Washburn University football team and Coach Craig Schurig for their success during the 2004 season and for being the Mineral Water Bowl Champion.

HR 6009, A resolution in memory of Harley D. Huggins.

House Concurrent Resolutions

HCR 5007, A concurrent resolution urging the United States Department of Agriculture to grant companies the necessary permission to test 100% of their animals to meet market demand.

HCR 5008, A proposition to amend section 1 of article 11 of the constitution of the state of Kansas.

Senate Bills

SB 120, An act relating to telecommunications; concerning regulation thereof; amending K.S.A. 66-2005 and 66-2008 and repealing the existing sections, by Committee on Utilities.

SB 121, An act concerning the charitable organizations and solicitations act; registration statement; audited financial statement; amending K.S.A. 17-1763 and repealing the existing section, by Committee on Judiciary.

SB 122, An act concerning payment of compensation; relating to payment methods; electronic transfer and deposit; amending K.S.A. 44-314 and repealing the existing section, by Committee on Commerce.

SB 123, An act concerning the state treasurer; authority to charge certain fees, by Committee on Ways and Means.

SB 124, An act relating to roads and highways; concerning the classification thereof; amending K.S.A. 68-101, 68-402b, 68-506, 68-506f, 68-516, 68-588, 68-592, 68-1109, 68-1137, 68-1701, 68-1703 and 68-1704 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 68-1702, by Committee on Transportation.

SB 125, An act concerning unclaimed property; amending K.S.A. 58-3954 and repealing the existing section, by Committee on Ways and Means.

SB 126, An act concerning property taxation; relating to reduction of valuation of real property; amendment of tax rolls; payment of taxes under protest; amending K.S.A. 2004 Supp. 79-1460 and 79-2005 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 127, An act concerning property taxation; relating to machinery, equipment, materials and supplies; amending K.S.A. 2004 Supp. 79-201w and repealing the existing section, by Committee on Assessment and Taxation.

SB 128, An act concerning taxation; relating to mineral severance tax; disposition of revenue; creating the oil and gas valuation depletion trust fund and providing for distribution of moneys therefrom; amending K.S.A. 2004 Supp. 79-4227 and repealing the existing section, by Committee on Ways and Means.

SB 129, An act concerning consumer protection; relating to warranty modification or limitation; workmanlike performance; amending K.S.A. 2004 Supp. 50-639 and repealing the existing section, by Committee on Judiciary.

SB 130, An act concerning teachers; relating to teacher preparation programs, by Committee on Education.

SB 131, An act concerning school districts; relating to teachers; relating to nonrenewal or termination of contracts; amending K.S.A. 72-5439, 72-5441, 72-5442, 72-5443 and 72-5446 and K.S.A. 2004 Supp. 72-5438 and 72-5440 and repealing the existing sections, by Committee on Education.

SB 132, An act concerning elections; relating to the use of optical scanning systems to count votes; amending K.S.A. 25-4601, 25-4602, 25-4603, 25-4604, 25-4605, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612 and 25-4613 and repealing the existing sections, by Committee on Elections and Local Government.

SB 133, An act concerning homestead property tax credits; amending K.S.A. 2004 Supp. 79-4521 and repealing the existing section, by Committee on Elections and Local Government.

SB 134, An act concerning elections; relating to party affiliation; amending K.S.A. 25-3301, 25-3304 and 25-4502 and K.S.A. 2004 Supp. 25-1122d and 25-1123 and repealing the existing sections, by Committee on Elections and Local Government.

SB 135, An act concerning crimes and punishment; relating to cruelty to animals; amending K.S.A. 2004 Supp. 21-4310 and repealing the existing section, by Senator Haley.

SB 136, An act concerning real property; relating to transfer upon the death of the owner; filing a notification of interest in title by an heir, by Senator Haley.

SB 137, An act concerning the criminal code, creating the crime of deprivation of rights under color of law, by Senator Haley.

SB 138, An act concerning taxation; providing for a tax credit against the income tax liability of certain business firms, by Committee on Commerce.

SB 139, An act establishing the Kansas academy of mathematics and science, by Committee on Commerce.

SB 140, An act concerning insurance; relating to limiting the insurance value of improvements on real property to its replacement cost; amending K.S.A. 40-905 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 141, An act concerning elections; relating to lists of advance voters; amending K.S.A. 25-1126 and 25-2320a and K.S.A. 2004 Supp. 25-2320 and repealing the existing sections, by Committee on Elections and Local Government.

SB 142, An act concerning elections; relating to advance voting ballots; amending K.S.A. 25-1132 and 25-1136 and K.S.A. 2004 Supp. 25-1124 and 25-1128 and repealing the existing sections, by Committee on Elections and Local Government.

SB 143, An act concerning elections; relating to electronic and electromechanical voting systems; amending K.S.A. 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413 and 25-4414 and repealing the existing sections; also repealing K.S.A. 25-1307, 25-1308, 25-1309, 25-1310, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341 and 25-1343, by Committee on Elections and Local Government.

SB 144, An act concerning civil procedure; relating to civil liability for certain actions involving alcoholic beverages; amending K.S.A. 41-715 and repealing the existing section, by Committee on Judiciary.

SB 145, An act concerning court records; amending K.S.A. 20-160 and repealing the existing section, by Committee on Judiciary.

SB 146, An act concerning medical malpractice screening panels; amending K.S.A. 65-4907 and repealing the existing section, by Committee on Judiciary.

SB 147, An act concerning the limitation of actions; relating to increasing general time limitation; amending K.S.A. 2004 Supp. 21-3106 and repealing the existing section, by Committee on Judiciary.

SB 148, An act concerning driving under the influence of alcohol or drugs; relating to driving privileges; amending K.S.A. 8-1013 and repealing the existing section, by Committee on Judiciary.

SB 149, An act relating to motor vehicles; prohibiting requirement of indemnification from motor carriers for certain acts or omissions; exception, by Committee on Judiciary.

SB 150, An act enacting the individual development account program act; prescribing certain duties and responsibilities on the department of commerce; amending K.S.A. 74-5005 and K.S.A. 2004 Supp. 79-32,117 and repealing the existing sections; also repealing K.S.A. 79-32,117h and K.S.A. 2004 Supp. 79-32,117j and 79-32,117k, by Senator Haley.

SB 151, An act defining the crimes of trafficking and aggravated trafficking and prescribing penalties therefor, by Senator Jordan.

SB 152, An act relating to district hospitals; relating to the sale of property; amending K.S.A. 80-2520 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 153, An act concerning the negotiation and approval of gaming compacts; amending K.S.A. 46-2302 and repealing the existing section, by Committee on Federal and State Affairs.

SB 154, An act relating to food and beverages available to students in Kansas school districts; providing for the adoption of certain standards, by Committee on Public Health and Welfare.

SB 155, An act concerning abortion; amending K.S.A. 65-6703 and repealing the existing section, by Senator Journey.

SB 156, An act concerning taxation; relating to secretary of revenue; tax report to legislature, by Committee on Assessment and Taxation.

SB 157, An act concerning income taxation; relating to credits; disclosures; amending K.S.A. 2004 Supp. 79-3234 and repealing the existing section, by Committee on Assessment and Taxation.

SB 158, An act concerning property taxation; relating to hay and cotton storage structures; amending K.S.A. 2004 Supp. 79-201d and repealing the existing section, by Committee on Assessment and Taxation.

SB 159, An act concerning taxation; relating to duties of secretary of revenue; tax incidence impact analysis, by Committee on Assessment and Taxation.

SB 160, An act relating to health insurance; relating to reimbursement of certain services, by Committee on Elections and Local Government.

SB 161, An act concerning civil procedure; relating to the liability of certain entities for services performed by offenders, by Committee on Judiciary.

SB 162, An act concerning crimes, punishment and criminal procedure; relating to sentencing to a nonprison sanction; amending K.S.A. 2004 Supp. 21-4603d and 21-4729 and repealing the existing sections, by Committee on Judiciary.

SB 163, An act concerning elections; relating to the conduct of elections by election workers; amending K.S.A. 25-3005 and K.S.A. 2004

(continued)

Supp. 25-124 and repealing the existing sections, by Committee on Elections and Local Government.

SB 164, An act concerning cities; relating to quarterly reports of the treasurer; amending K.S.A. 12-1608 and repealing the existing section, by Committee on Elections and Local Government.

SB 165, An act concerning health insurance; relating to abuse of health insurance, by Committee on Financial Institutions and Insurance.

SB 166, An act concerning health insurance; relating to assignment of insurance payments for covered services, by Committee on Financial Institutions and Insurance.

SB 167, An act concerning health insurance; relating to insurance payments for covered dental services, by Committee on Financial Institutions and Insurance.

SB 168, An act concerning lotteries; enacting the Kansas expanded lottery act; authorizing operation of destination casinos, electronic gaming machines, video lottery terminals and other lottery games at certain locations; prohibiting certain acts and providing penalties for violations; amending K.S.A. 74-8702, 74-8705, 74-8710, 74-8723 and 74-8830 and K.S.A. 2004 Supp. 19-101a and 74-8711 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, by Committee on Federal and State Affairs.

SB 169, An act concerning schools; establishing the special needs scholarship program, by Committee on Federal and State Affairs.

SB 170, An act concerning lotteries; concerning electronic gaming, lottery facility games and other lottery games; amending K.S.A. 74-8702, 74-8710 and 74-8723 and K.S.A. 2004 Supp. 19-101a and 74-8711 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, by Committee on Federal and State Affairs.

SB 171, An act concerning the Kansas code for care of children; relating to out of home care; amending K.S.A. 2004 Supp. 38-1502 and 38-1503 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 172, An act pertaining to the legislature; relating to the size thereof; amending K.S.A. 4-101 and repealing the existing section, by Senator Steineger.

SB 173, An act concerning economic development; enacting the main street growth and business protection act; amending K.S.A. 68-406 and repealing the existing section, by Committee on Commerce.

SB 174, An act concerning school districts; relating to school buildings, by Committee on Education.

SB 175, An act concerning insurance companies; relating to securities held by insurance companies; amending K.S.A. 40-2a27 and 40-2b28 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 176, An act concerning insurance; relating to new terminology for insurance brokers; amending K.S.A. 40-37a01, 40-37a02, 40-37a03, 40-37a04, 40-37a05, 40-37a06 and 40-4502 and K.S.A. 2004 Supp. 40-2,131 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 177, An act concerning the workers compensation act; relating to exceptions to coverage; amending K.S.A. 44-505 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 178, An act concerning home service contracts; enacting the home service contract act; registration with the insurance commissioner, by Committee on Financial Institutions and Insurance.

SB 179, An act concerning offenses against children; relating to enhancing penalties; amending K.S.A. 21-3510 and 21-3511 and K.S.A. 2004 Supp. 21-3516 and repealing the existing sections, by Committee on Judiciary.

SB 180, An act concerning preliminary screening tests for alcohol use; amending K.S.A. 8-1012, 32-1138 and 65-1,107 and K.S.A. 2004 Supp. 41-727 and repealing the existing sections, by Committee on Judiciary.

SB 181, An act concerning civil procedure; relating to actions filed in violation of Article 6 of the Kansas constitution; amending K.S.A. 2004 Supp. 60-2102 and repealing the existing section, by Committee on Judiciary.

Senate Resolutions

SR 1806, A resolution congratulating and commending the Washburn University football team and Coach Craig Schurig for their success during the 2004 season and for being the Mineral Water Bowl Champion.

SR 1807, A resolution congratulating and commending Charlie Brown.

Senate Concurrent Resolutions

SCR 1605, A proposition to amend section 1 of article 11 of the constitution of the state of Kansas.

Doc. No. 031594

State of Kansas

Abstracters' Board of Examiners

Notice of Examination

An examination for persons desiring to secure registration and become subject to license to engage in the business of making, compiling or completing and selling abstracts of title to real estate in Kansas will be conducted by the Abstracters' Board of Examiners at 8 a.m. Friday, March 4, at the Wichita Marriott Hotel, 9100 Corporate Hills Drive, Wichita.

In order to take the exam, an application and \$70 examination fee (\$40 for retakes) must be submitted before February 25 to the executive secretary of the Abstracters' Board of Examiners, P.O. Box 549, Hugoton, 67951. For more information, contact Glen McQueen at (620) 544-2311.

Glen R. McQueen
Executive Secretary

Doc. No. 031613

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 17.—DIVISION OF VITAL STATISTICS

28-17-1. Definitions. (a) "Birth certificate" means a standard certificate of live birth, a delayed certificate of birth, or a foreign-born certificate.

(b) "Certification" means the action or process that attests to the authenticity of a copy or abstract of any record or certificate pertaining to any birth, adoption, legitimation, death, stillbirth, marriage, divorce, or annulment of marriage within the state of Kansas.

(c) "Delayed certificate of birth" means documentation filed six or more months after a live birth in Kansas that substantiates the birth.

(d) "Foreign-born certificate" means documentation substantiating the birth of either of the following:

(1) An individual who meets the following conditions:

(A) The individual was born outside the United States or trust territories of the United States;

(B) neither parent of the individual was a citizen of the United States; and

(C) the individual was adopted by a Kansas resident or through a Kansas court; or

(2) an individual who was born outside the United States or trust territories of the United States, whose birth has not been registered as that of a United States citizen, and who was adopted by a Kansas resident or through a Kansas court.

(e) "Heirloom certificate" means a personalized keepsake certificate.

(f) "Medical data" means data or information that describes medical and anatomical conditions or characteristics of an individual, or both.

(g) "Personal data" means nonmedical data or information that describes the legal identity or attributes of an individual.

(h) "Registrant" means the individual named on a vital record for whom the vital record was established.

(i) "Registration," as used in the definition of "vital statistics" in K.S.A. 65-2401 and amendments thereto and in these regulations, means the process of filing an original record or certificate.

(j) "Secretary" has the meaning specified in K.S.A. 65-2401, and amendments thereto.

(k) "Standard certificate of live birth" means documentation substantiating a live birth within the state of Kansas that is filed with the state registrar within six months of the date of birth as specified in K.S.A. 65-2409, and amendments thereto.

(l) "Verification" means a search of files and records maintained by the state registrar that authenticates the information on specified vital records. (Authorized by and implementing K.S.A. 65-2401, 65-2402, and K.S.A. 2003 Supp. 65-2418; effective Jan. 1, 1966; amended Oct. 22, 1990; amended, T-28-11-5-04, Nov. 5, 2004; amended Feb. 25, 2005.)

28-17-6. Fees for copies, abstracts, and searches.

(a)(1) Subject to the requirements of K.S.A. 65-2417 and K.S.A. 65-2418 (a)(2) and amendments thereto, certified copies or abstracts of certificates or parts of certificates shall be furnished by the state registrar upon request by an authorized applicant and payment of the required fee.

(2)(A) The fees for making and certifying copies or abstracts of birth, stillbirth, marriage, and divorce certificates shall be \$12.00 for the first copy or abstract and \$7.00 for each additional copy or abstract of the same record requested at the same time.

(B) The fees for making and certifying copies or abstracts of death certificates shall be \$13.00 for the first copy or abstract and \$8.00 for each additional copy or abstract of the same record requested at the same time.

(b) For any search or verification of the files and records for birth, stillbirth, marriage, or divorce certificates if no certified copy or abstract is made, the fee shall be \$12.00 for each five-year period for which a search is requested, or for each fractional part of a five-year period. For any search or verification of files and records for death certificates if no certified copy or abstract is made, the fee shall be \$13.00 for each five-year period for which a search is requested, or for each fractional part of a five-year period.

(c) For any search of the files necessary for preparing an amendment to a birth, stillbirth, marriage, or divorce certificate or abstract already on file, the fee shall be \$12.00. For any search of the files necessary for preparing an amendment to a death certificate or abstract already on file, the fee shall be \$13.00.

(d) For non-certified copies or abstracts of certificates or parts of certificates requested for statistical research purposes, the following fees shall be charged:

(1)(A) \$7.00 for each copy of a birth, marriage, divorce, or stillbirth certificate, if the state certificate number is provided; and

(B) \$12.00 for each copy of a birth, marriage, divorce, or stillbirth certificate, if the state certificate number is not provided; and

(2)(A) \$8.00 for each copy of a death certificate, if the state certificate number is provided; and

(B) \$13.00 for each copy of a death certificate, if the state certificate number is not provided.

(e) For each certified copy of an heirloom certificate, the fee shall not exceed \$40.00. (Authorized by K.S.A. 2003 Supp. 65-2418; implementing K.S.A. 2003 Supp. 23-110, K.S.A. 65-2417, K.S.A. 2003 Supp. 65-2418 and K.S.A. 65-2422d, as amended by L. 2004, ch. 138, sec. 1; effective Jan. 1, 1966; amended Jan. 1, 1968; amended, E-78-18, July 7, 1977; amended May 1, 1978; amended May 1, 1983; amended, T-84-13, July 1, 1983; amended May 1, 1984; amended May 1, 1988; amended Oct. 7, 1991; amended, T-28-9-25-92, Sept. 25, 1992; amended Nov. 16, 1992; amended Aug. 16, 1993; amended, T-28-7-2-01, July 2, 2001; amended Oct. 12, 2001; amended, T-28-6-27-02, July 1, 2002; amended Oct. 18, 2002; amended, T-28-7-1-03, July 1, 2003; amended Oct. 17, 2003; amended, T-28-11-5-04, Nov. 5, 2004; amended Feb. 25, 2005.)

28-17-20. Corrections to certificates and records.

Corrections to certificates and records may be made only as follows and only within the time limit indicated in each subsection.

(a) Amendments within 90 days.

(1) Within 90 days of receipt of an original vital record in the office of vital statistics, the following records in which an inaccuracy or an incomplete item is apparent on the face of the certificate may be changed to show the accurate and complete facts:

(A) Birth certificates;

(B) any part of a death certificate other than the section describing the cause of death;

(C) any part of a stillbirth certificate, other than the section describing the cause of death;

(D) marriage certificates; and

(E) divorce certificates.

(2) The changes specified in this subsection shall be made as follows:

(A) Any death or stillbirth certificate may be amended by drawing a single line through the incorrect information in the appropriate space or by inserting the correct information in the appropriate space, if left blank on the original certificate. For each amendment, the date of the amendment and the word "amended" shall be written or typed on the certificate. The process of amendment specified in this paragraph shall not be used more than one time for the same item.

(B) A new certificate shall be created if any item to be corrected is not left blank on the original certificate or if a death or stillbirth certificate item has already been amended. This process of amendment shall not be used more than one time for the same item unless accompanied by a court order, except when amending a death or stillbirth certificate.

(C) If the registrant is a minor, the birth certificate may be amended at the request of a parent to change an item or items by adding the name of a parent, correcting the name of either parent or of the child, or changing the child's last name to that of either parent. Any of these amendments may be made only pursuant to K.S.A. 38-1130, and amendments thereto.

(D) The process of amendment specified in paragraph (a)(2) shall be used when affidavits and supporting evi-

(continued)

dence have been furnished to the state registrar, as appropriate. The date of the amendment and the word "amended" shall be placed on the original certificate or the newly created certificate.

(3) An amendment fee shall be required, except when changes are made within the first 90 days after receipt of a death certificate or a stillbirth certificate in the office of vital statistics.

(b) Amendments after 90 days. After 90 days of receipt of the vital record in the office of vital statistics, amendments may be made only as follows:

(1) Birth certificates.

(A) Birth certificate items may be amended upon the applicant's submission of at least two documents that consistently substantiate each item to be amended and that are executed and dated at least five years before the request for the amendment or before the tenth birthday anniversary of the registrant, except that the following items may be corrected only as specified:

(i) The items recording the registrant's sex may be amended if the amendment is substantiated with the applicant's affidavit, or a parent's affidavit if the registrant is under the age of 18, that the sex was incorrectly recorded, or with a medical certificate substantiating that a physiological or anatomical change occurred.

(ii) If the registrant is a minor, any request by a parent to change an item or items by adding the name of a parent, correcting the name of either parent or of the child, or changing the child's last name to that of either parent shall be made only pursuant to K.S.A. 38-1130, and amendments thereto.

(iii) Any registrant who is of legal age may amend the order of the registrant's given names if the amendment is substantiated with one of the documents specified in paragraph (b)(1)(A).

(iv) A registrant who is of legal age may place the registrant's given name or names on the record only if there is no given name on the original certificate and if the amendment is substantiated with one of the documents specified in paragraph (b)(1)(A).

(v) A registrant who is of legal age may correct the registrant's given name or names if the amendment is substantiated with one document established before the tenth birthday anniversary of the registrant.

(vi) A registrant who is of legal age may correct the spelling of the registrant's last name if the amendment is substantiated with two documents established before the tenth birthday anniversary of the registrant. Changing the last name of the registrant shall not be deemed to be correcting the spelling of the registrant's last name.

(vii) A registrant who is of legal age may correct the name of the registrant's mother before her first marriage or the father's or mother's legal name, if one of the required documents specified in paragraph (b)(1)(A) is the marriage license or birth certificate of the parent or parents.

(viii) The registrant's birth date on the certificate may be changed only if both required documents were executed and dated before the tenth birthday anniversary and if the change is consistent with the recorded filing date.

(B) When an amendment is made after 90 days, any item that has been previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the state registrar.

(D) Requests for an amendment to a birth certificate that do not require a court order shall be submitted by the parent or legal guardian of persons not of legal age, or by the registrant if of legal age. The person submitting the application shall execute a notarized affidavit stating the true facts to be recorded.

(2) Death certificates: personal data.

(A) Personal data may be amended without a court order if the request is made within the first six months after filing the original certificate.

(B) Requests for amendments to personal data may be made only by the funeral director or person acting as such who submitted the original certificate.

(C) When amendments to the personal data of a death certificate are made 90 or more days after the certificate is received in the office of vital statistics, the original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened only by a court order. A new certificate shall be prepared by the funeral director or person acting as such or by the state registrar. The medical section shall again be completed, and the required signatures shall be secured whenever possible. The signatures may be typed if the required signatures are unattainable and a written statement of the reason is attached to the certificate. The certificate shall not be accepted if the stated reason for the typed signature is inadequate, as determined by the state registrar. Upon acceptance by the state registrar, the new certificate shall be marked "amended" and shall indicate the date of the amendment.

(3) Stillbirth certificates: personal data.

(A) Personal data may be amended upon the request of a parent and the submission of affidavits and supporting evidence to substantiate each item to be amended.

(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the state registrar.

(4) Marriage certificates: personal data.

(A) Personal data may be amended upon the request of the bride and groom and the submission of affidavits and supporting evidence to substantiate each item to be amended.

(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the state registrar.

(5) Divorce certificates: personal data.

(A) Personal data may be amended upon the request of either spouse and the submission of affidavits and supporting evidence to substantiate each item to be amended.

(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the state registrar.

(6) Original and amended certificates. If a new certificate is created to amend and replace an original certificate, the original certificate shall remain unchanged and shall be placed in a sealed file to be opened only by a court order. The new certificate shall be marked "amended." The date of amendment shall be recorded on the new certificate. If a section of an original certificate contains a signature, the new certificate shall include the typed name of each person who signed the original certificate. The original certificate and any required affidavits shall be permanently filed by the state registrar.

(c) Amendments with no time limit.

(1) Death and stillbirth certificates: medical section data.

(A) Requests for amendments to the medical section data may be made only by the attending physician who signed the medical section on the original certificate or by the coroner in whose jurisdiction the death or stillbirth occurred.

(B) An amendment may be made to the medical section data at any time.

(C) Amendments to the medical section data may be made in either of the following ways:

(i) The original certificate shall remain on file unchanged, and the written statement or affidavit of the certifying physician or coroner shall be appended to the back of the original certificate. The original certificate shall be marked "amended" and shall indicate the date of the amendment.

(ii) A certifying physician or coroner may request the establishment of a new death certificate or stillbirth certificate if erroneous data has been entered in the medical

section. In this case, the funeral director or person acting as such shall enter the personal data and forward the certificate to the certifying physician or coroner to sign the medical section. When all items have been completed, the new certificate shall be submitted to the office of vital statistics, and upon acceptance of the certificate, the certificate shall be marked "amended" and shall indicate the date of the amendment. The original death or stillbirth certificate shall be placed in a sealed file to be opened only by a court order. (Authorized by K.S.A. 65-2402 and 65-2422c; implementing K.S.A. 65-2422c; effective Jan. 1, 1966; amended May 1, 1987; amended May 1, 1988; amended Oct. 22, 1990; amended, T-28-9-25-92, Sept. 25, 1992; amended Nov. 16, 1992; amended Aug. 16, 1993; amended, T-28-11-5-04, Nov. 5, 2004; amended Feb. 25, 2005.)

28-17-22. Enforcement of uniform vital statistics act. Each violation of K.S.A. 65-2401 et seq., and amendments thereto, and these regulations shall, upon discovery of the violation, be reported to the state registrar. Each reported case involving any such violation shall then be reported by the state registrar to the county attorney, the district attorney, or the official acting in that capacity for prosecution, as specified in K.S.A. 65-2434 and amendments thereto. (Authorized by and implementing K.S.A. 65-2402, 65-2406, and 65-2434; effective, T-28-11-5-04, Nov. 5, 2004; effective Feb. 25, 2005.)

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 031606

State of Kansas

Office of Judicial Administration Supreme Court Docket

(Note: Dates and times of arguments are subject to change.)

Monday, February 14, 2005

9:30 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
91,163	State of Kansas, Appellee, v. Erick Donaldson, Appellant.	Phillip D. Kline, Atty. Gen. Debra S. Peterson, Deputy District Atty. Carl F. Maughan	Sedgwick
90,613	State of Kansas, Appellee, v. Abel Torres, Appellant.	Phillip D. Kline, Atty. Gen. Melissa G. Johnson, Special Asst. Wichita County Atty. Shawn E. Minihan, Asst. Appellate Defender	Wichita
93,329	Joseph Tonge, Appellee, v. Roger Werholtz, et al., Appellants,	Charles J. Cavenee Kenneth R. Smith	Leavenworth
92,051	Aimee Elizabeth Cross, Appellant, v. Kansas Dept. of Revenue, Appellee.	Michael S. Holland II James G. Keller	Riley

(continued)

1:30 p.m.

89,662	State of Kansas, Appellee, v. Ethan M. Griffin, Appellant.	Phillip D. Kline, Atty. Gen. Kristofer Ailslieger, Asst. Atty. Gen. Debra J. Wilson, Capital Appellate Defender	Lyon
89,011	State of Kansas, Appellee, v. Steven M. Ibarra, Appellant.	Phillip D. Kline, Atty. Gen. Ernest H. Richardson, County Atty. Petition for Review Rick Kittel, Asst. Appellate Defender	Pratt
91,963	State of Kansas, Appellee, v. Ruben De La Cerda, Appellant.	Phillip D. Kline, Atty. Gen. Marcus Goodman, County Atty. Randall L. Hodgkinson, Deputy Appellate Defender	Lyon

Tuesday, February 15, 2005

9:30 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
91,389	Angela M. Jones, Appellant, v. State of Kansas and Empire Insurance Company, Appellees.	Carl A. Gallagher C. William Ossmann	Shawnee Petition for Review
91,247	D.W., Appellant, v. Richard Bliss and Carol Bliss, Appellees.	Patrick R. Miller Derrick A. Pearce	Wyandotte Petition for Review
92,112	Jennifer R. Bomhoff, Appellant, v. Nelnet Loan Services, Inc., Appellee.	Phillip L. Turner Kurt D. Maahs	Jefferson
91,727	State of Kansas, Appellee, v. Eric Brown, Appellant.	Phillip D. Kline, Atty. Gen. Lee J. Davidson, Asst. Atty. Gen. Sarah Ellen Johnson, Asst. Appellate Defender	Montgomery

1:30 p.m.

90,532	State of Kansas, Appellee, v. Robert Henry Lackey II, Appellant.	Phillip D. Kline, Atty. Gen. John K. Bork, Asst. Atty. Gen. Patrick H. Dunn, Asst. Appellate Defender	Saline
91,778	Roger Klein, Appellant, v. Oppenheimer & Co., Inc., Appellee.	Dianne A. Nygaard Roger N. Walter	Johnson
92,230	Marie M. McGinley, Appellant, v. Bank of America, Appellee.	Dan E. Turner Rebecca S. Jelinek	Shawnee
92,594	In the Matter of the Virginia S. Biggs Charitable Remainder Trust.	Eric J. Larson	Lyon
92,928	In the Matter of the James W. Fee Trust.	Jack D. Flesher	Reno

Wednesday, February 16, 2005

9:30 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
90,756	State of Kansas, Appellee, v. Tyron James, Appellant.	Phillip D. Kline, Atty. Gen. Nick A. Tomasic, District Atty. Stephen B. Chapman	Wyandotte
92,193	State of Kansas, Appellee, v. Joseph "Zeke" Rupnick, Appellant.	Phillip D. Kline, Atty. Gen. Andrew D. Bauch, Asst. Atty. Gen. Michael C. Hayes	Brown

91,810	State of Kansas, Appellee, v. Samuel Jones, Jr., Appellant.	Phillip D. Kline, Atty. Gen. Nick A. Tomasic, District Atty. Virginia A. Girard-Brady, Asst. Appellate Defender	Wyandotte
88,639	State of Kansas, Appellee, v. Brian C. Bailey, Appellant.	Phillip D. Kline, Atty. Gen. Paul J. Morrison, District Atty. J. Charles Droege	Johnson
1:30 p.m.			
91,470	State of Kansas, Appellee, v. Robert Buehler-May, Appellant.	Phillip D. Kline, Atty. Gen. Nick A. Tomasic, District Atty. Sarah Ellen Johnson, Asst. Appellate Defender	Wyandotte
92,596	Data Tree, LLC, Appellant, v. Bill Meek, Sedgwick County Register of Deeds, Appellee.	Michael W. Merriam Ed L. Randels, Asst. County Counselor	Sedgwick
91,442	Badr Idbeis, et al., Appellants, v. Wichita Surgical Specialists, P.A., Appellee.	Gary M. Austerman Gary L. Ayers	Sedgwick
90,808	State of Kansas, Appellee, v. Dustin L. Barlow, Appellant.	Phillip D. Kline, Atty. Gen. Keith E. Schroeder, District Atty. Virginia A. Girard-Brady, Asst. Appellate Defender	Reno

Thursday, February 17, 2005**9:30 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
92,655	In the Matter of the Appeals of CIG Field Services Company from Orders of the Director of Property Valuation.	C. Michael Lennen William E. Waters	Tax Appeal
93,394	In the Matter of Jimmie A. Vanderbilt, Respondent.	Alexander M. Walczak, Deputy Discip. Admin. John J. Ambrosio Jimmie A. Vanderbilt, Pro Se	Original
92,838	In the Matter of Gerald E. Hertach, Respondent.	Alexander M. Walczak, Deputy Discip. Admin. Stephen M. Joseph Gerald E. Hertach, Pro Se	Original

Friday, February 18, 2005**Summary Disposition of Sentencing Appeals No Oral Argument
Pursuant to Supreme Court Rule 7.041(a)**

91,836	State v. Arcadio Vasquez-Navarro	92,180	State v. Judy Royse	92,063	State v. Bonnie White
92,093	George W. Farris v. State	92,284	State v. Terry L. Lawson	92,205	State v. Adam A. Alonzo
92,274	State v. James T. Thomas	92,423	State v. Michael Allen Smith	92,382/	
92,418	State v. Robert D. Lanoue, Jr.	92,474	State v. Taylor G. Green	92,383	State v. Billy J. Younts, Jr.
92,463	State v. Jeremy Brown	92,487	State v. Clint C. Brewer	92,425	State v. Rashard L. Shields
92,486	State v. Robert T. Bannister	92,539/		92,479	State v. Gregory Spight
92,518	State v. Mark W. Hanson	92,711/		92,514	State v. Nathaniel Johns
92,566	State v. Keyleen L. Elmore	92,712/	State v. Caranza Etier	92,548	State v. Tomas Gonzalez-Alvizo
92,667	State v. Richard Lee Marsh	92,598	State v. Jason D. Tipton	92,621	State v. Durlyn B. Williams
92,828	State v. Jessica M. Robinson	92,746	State v. Lloyd Adams	92,770	State v. Dean A. Lambert
92,934	State v. Arthur Seymour	92,885	State v. Douglas Hopper	92,923	State v. Arthur Epps
92,055	State v. Steven M. McCarley				

Carol G. Green
Clerk of the Appellate Courts

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2003 Volumes and 2004 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-9-4	Amended	V. 23, p. 718
1-45-18	Amended (T)	V. 23, p. 424
1-45-18	Amended	V. 23, p. 1044
1-45-19	Amended (T)	V. 23, p. 424
1-45-19	Amended	V. 23, p. 1044
1-45-20	Amended (T)	V. 23, p. 424
1-45-20	Amended	V. 23, p. 1045
1-45-23	Amended (T)	V. 23, p. 425
1-45-23	Amended	V. 23, p. 1045
1-45-24	Amended (T)	V. 23, p. 425
1-45-24	Amended	V. 23, p. 1045

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-8-14a	Amended (T)	V. 23, p. 900
4-8-14a	Amended	V. 23, p. 1102
4-8-27 through		
4-8-37	Amended	V. 23, p. 1102, 1103
4-8-39	Amended	V. 23, p. 1103
4-8-40	Amended (T)	V. 23, p. 901
4-8-40	Amended	V. 23, p. 1103
4-8-42	Amended	V. 23, p. 1103
4-11-2	Amended	V. 23, p. 895
4-11-3	Amended	V. 23, p. 895
4-11-6	Revoked	V. 23, p. 896
4-11-7	Revoked	V. 23, p. 896
4-11-8	Amended	V. 23, p. 896
4-11-9	Amended	V. 23, p. 896
4-11-14	Amended	V. 23, p. 896
4-25-16	Amended (T)	V. 22, p. 2176
4-25-16	Amended	V. 23, p. 95
4-28-1	New (T)	V. 23, p. 1597
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4-28-7	New	V. 24, p. 145, 146

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-3-4e	Amended (T)	V. 23, p. 1284
5-3-4e	Amended	V. 23, p. 1580
5-3-5o	New	V. 23, p. 1130
5-3-29	New (T)	V. 23, p. 1284
5-3-29	New	V. 23, p. 1580
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5-17-18	New	V. 23, p. 1131-1137
5-22-1	Amended	V. 23, p. 1534
5-22-4b	New	V. 23, p. 1536
5-22-4c	New	V. 23, p. 1536
5-22-4d	New	V. 23, p. 1537
5-22-6	Amended	V. 23, p. 1634
5-22-7	Amended	V. 23, p. 1537
5-22-8	Amended	V. 23, p. 1538
5-22-9	Amended	V. 23, p. 1538
5-22-10	New	V. 23, p. 1635
5-22-13	New	V. 23, p. 1636
5-22-14	New	V. 23, p. 1636
5-22-15	New	V. 23, p. 1637
5-22-17	New	V. 23, p. 1539
5-23-1	Amended	V. 23, p. 181

5-23-3	Amended	V. 23, p. 181
5-23-3a	Amended	V. 23, p. 182
5-24-1	Amended	V. 23, p. 65
5-24-2	Amended	V. 23, p. 65
5-24-3	Amended	V. 23, p. 66
5-24-4	Amended	V. 23, p. 68
5-24-6	Amended	V. 23, p. 68
5-24-8	Amended	V. 23, p. 68
5-24-11	New	V. 23, p. 69

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-18-1	Revoked	V. 23, p. 1366
7-18-2	Revoked	V. 23, p. 1366
7-18-3	Revoked	V. 23, p. 1366
7-27-1	Amended	V. 23, p. 1366
7-29-2	Amended	V. 23, p. 1366
7-34-2	New (T)	V. 24, p. 42

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-1-7	Amended	V. 24, p. 95
16-4-2	New	V. 24, p. 95
16-4-3	New	V. 24, p. 95
16-4-4	New	V. 24, p. 96
16-6-1	Amended	V. 24, p. 96

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-2	Amended	V. 23, p. 978
22-1-7	New	V. 23, p. 978

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 23, p. 202
28-1-4	Amended	V. 23, p. 203
28-1-20	Amended	V. 23, p. 360
28-4-576	Amended (T)	V. 23, p. 389
28-4-576	Amended	V. 23, p. 1255
28-4-577	Amended (T)	V. 23, p. 390
28-4-577	Amended	V. 23, p. 1257
28-4-578	Amended (T)	V. 23, p. 391
28-4-578	Amended	V. 23, p. 1257
28-4-583	Amended (T)	V. 23, p. 392
28-4-583	Amended	V. 23, p. 1258
28-4-585	Amended (T)	V. 23, p. 392
28-4-585	Amended	V. 23, p. 1259
28-4-587	Amended (T)	V. 23, p. 394
28-4-587	Amended	V. 23, p. 1260
28-4-590	Amended (T)	V. 23, p. 396
28-4-590	Amended	V. 23, p. 1262
28-4-591	Amended (T)	V. 23, p. 397
28-4-591	Amended	V. 23, p. 1264
28-4-600 through		
28-4-613	New	V. 23, p. 957-962
28-4-700 through		
28-4-705	New (T)	V. 23, p. 398-400
28-4-700 through		
28-4-705	New	V. 23, p. 1265, 1266
28-15-11	Revoked	V. 23, p. 1367
28-15-13	Revoked	V. 23, p. 1367
28-15-14	Revoked	V. 23, p. 1367
28-15-15a	Revoked	V. 23, p. 1367
28-15-16	Amended	V. 23, p. 1367
28-15-18	Amended	V. 23, p. 1367
28-15-20	Revoked	V. 23, p. 1368
28-15-21	Revoked	V. 23, p. 1368
28-15-22	Revoked	V. 23, p. 1368
28-15-35	Amended	V. 23, p. 305
28-15-36	Amended	V. 23, p. 309
28-15a-2	New	V. 23, p. 1368
28-15a-3	New	V. 23, p. 1368
28-15a-4	New	V. 23, p. 1368
28-15a-6	New	V. 23, p. 1369
28-15a-11	New	V. 23, p. 1369
28-15a-21	New	V. 23, p. 1369
28-15a-23 through		
28-15a-29	New	V. 23, p. 1369, 1370
28-15a-31	New	V. 23, p. 1370

28-15a-33	New	V. 23, p. 1370
28-15a-41	New	V. 23, p. 1370
28-15a-42	New	V. 23, p. 1370
28-15a-43	New	V. 23, p. 1370
28-15a-60 through		
28-15a-66	New	V. 23, p. 1370
28-15a-70	New	V. 23, p. 1370
28-15a-72 through		
28-15a-76	New	V. 23, p. 1370, 1371
28-15a-80 through		
28-15a-91	New	V. 23, p. 1371
28-15a-100	New	V. 23, p. 1371
28-15a-101	New	V. 23, p. 1371
28-15a-110	New	V. 23, p. 1371
28-15a-111	New	V. 23, p. 1371
28-15a-130 through		
28-15a-135	New	V. 23, p. 1371, 1372
28-15a-151 through		
28-15a-155	New	V. 23, p. 1372
28-15a-170	New	V. 23, p. 1372
28-15a-172 through		
28-15a-175	New	V. 23, p. 1372, 1373
28-15a-201 through		
28-15a-210	New	V. 23, p. 1373
28-15a-500 through		
28-15a-503	New	V. 23, p. 1373, 1374
28-15a-530 through		
28-15a-536	New	V. 23, p. 1374
28-15a-540 through		
28-15a-544	New	V. 23, p. 1374
28-15a-550 through		
28-15a-553	New	V. 23, p. 1374
28-15a-560 through		
28-15a-564	New	V. 23, p. 1374, 1375
28-15a-570	New	V. 23, p. 1375
28-15a-571	New	V. 23, p. 1375
28-16-28b through		
28-16-28f	Amended	V. 24, p. 42-51
28-16-28g	New	V. 24, p. 52
28-16-58	Amended	V. 24, p. 52
28-17-1	Amended (T)	V. 23, p. 1597
28-17-6	Amended (T)	V. 23, p. 1598
28-17-20	Amended (T)	V. 23, p. 1598
28-17-22	New (T)	V. 23, p. 1600
28-19-202	Amended	V. 23, p. 70
28-19-720	Amended	V. 23, p. 1596
28-19-735	Amended	V. 23, p. 1596
28-19-750	Amended	V. 23, p. 1596
28-19-750a	New	V. 23, p. 1596
28-29-75 through		
28-29-82	Amended	V. 23, p. 203-205
28-31-10	Amended	V. 23, p. 1486
28-35-145	Amended	V. 23, p. 1404
28-35-146	Amended	V. 23, p. 1404
28-35-146a	New	V. 23, p. 1404
28-35-147	Revoked	V. 23, p. 1404
28-35-147a	New	V. 23, p. 1404

(By Department of Agriculture)

28-36-1	Revoked	V. 24, p. 146
28-36-32	Revoked	V. 24, p. 146
28-36-60	Revoked	V. 24, p. 146
28-36-120	Revoked	V. 24, p. 146

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-50	Amended	V. 23, p. 894
30-4-90	Amended (T)	V. 23, p. 897
30-4-90	Amended	V. 23, p. 1104
30-5-59	Amended	V. 23, p. 1637

Table with 3 columns: Regulation Number, Action, Register. Includes regulations 30-5-64 through 30-46-17.

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Includes regulations 40-1-48 through 40-3-53.

AGENCY 44: DEPARTMENT OF CORRECTIONS

Table with 3 columns: Reg. No., Action, Register. Includes regulations 44-5-115 through 44-12-601.

AGENCY 63: BOARD OF MORTUARY ARTS

Table with 3 columns: Reg. No., Action, Register. Includes regulations 63-1-4 through 63-6-1.

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Table with 3 columns: Reg. No., Action, Register. Includes regulations 65-4-3 through 65-8-5.

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with 3 columns: Reg. No., Action, Register. Includes regulations 66-6-4 through 66-14-5.

AGENCY 68: BOARD OF PHARMACY

Table with 3 columns: Reg. No., Action, Register. Includes regulations 68-1-3a and 68-7-20.

AGENCY 69: BOARD OF COSMETOLOGY

Table with 3 columns: Reg. No., Action, Register. Includes regulation 69-1-4.

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Table with 3 columns: Reg. No., Action, Register. Includes regulation 70-5-1.

AGENCY 71: KANSAS DENTAL BOARD

Table with 3 columns: Reg. No., Action, Register. Includes regulations 71-1-1 and 71-1-2.

Table with 3 columns: Regulation Number, Action, Register. Includes regulations 71-1-3 through 71-7-1.

AGENCY 82: STATE CORPORATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Includes regulations 82-3-101 through 82-3-607.

Table with 3 columns: Regulation Number, Action, Register. Includes regulations 82-3-700 through 82-4-3m.

AGENCY 88: BOARD OF REGENTS

Table with 3 columns: Reg. No., Action, Register. Includes regulations 88-16-5b through 88-23-3a.

Table with 3 columns: Regulation Number, Action, Register. Includes regulations 88-26-1 through 88-27-2.

AGENCY 91: DEPARTMENT OF EDUCATION

Table with 3 columns: Reg. No., Action, Register. Includes regulations 91-1-68a through 91-1-230.

Table with 3 columns: Regulation Number, Action, Register. Includes regulations 91-1-231 through 91-8-30.

Table with 3 columns: Regulation Number, Action, Register. Includes regulations 91-8-33 through 91-25-19.

AGENCY 92: DEPARTMENT OF REVENUE

Table with 3 columns: Reg. No., Action, Register. Includes regulation 92-26-4.

AGENCY 94: BOARD OF TAX APPEALS

Table with 3 columns: Reg. No., Action, Register. Includes regulations 94-2-21 and 94-2-21.

AGENCY 100: BOARD OF HEALING ARTS

Table with 3 columns: Reg. No., Action, Register. Includes regulations 100-11-1 through 100-72-9.

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Table with 3 columns: Reg. No., Action, Register. Includes regulations 102-2-8 through 102-5-7a.

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Includes regulations 108-1-1 and 108-1-4.

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Table with 3 columns: Reg. No., Action, Register. Includes regulation 109-3-2.

AGENCY 110: DEPARTMENT OF COMMERCE

Table with 3 columns: Reg. No., Action, Register. Includes regulations 110-8-1 through 110-10-1.

(continued)

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. The following regulations were filed after January 1, 2004:

Reg. No.	Action	Register
111-2-151		
through		
111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-2-159	New	V. 23, p. 901
111-2-160	New	V. 23, p. 1655
111-2-161	New	V. 23, p. 1655
111-2-162	New	V. 23, p. 1655
111-2-163	New	V. 24, p. 15
111-3-13	Amended	V. 23, p. 1433
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095		
through		
111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116		
through		
111-4-2125	New	V. 23, p. 311-318
111-4-2126		
through		
111-4-2146	New	V. 23, p. 459-471
111-4-2147		
through		
111-4-2160	New	V. 23, p. 901-909

111-4-2161		
through		
111-4-2173	New	V. 23, p. 1025-1033
111-4-2174	New	V. 23, p. 1074
111-4-2175	New	V. 23, p. 1075
111-4-2176	New	V. 23, p. 1076
111-4-2177		
through		
111-4-2180	New	V. 23, p. 1169-1171
111-4-2181		
through		
111-4-2185	New	V. 23, p. 1343-1346
111-4-2186		
through		
111-4-2195	New	V. 23, p. 1434-1438
111-4-2196		
through		
111-4-2205	New	V. 23, p. 1655-1659
111-4-2206		
through		
111-4-2213	New	V. 24, p. 15-22
111-5-96	Amended	V. 23, p. 101
111-5-111		
through		
111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-6-1	Amended	V. 23, p. 1439
111-6-7	Amended	V. 23, p. 1440
111-6-26	New	V. 24, p. 23
111-7-188		
through		
111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473
111-9-122	New	V. 23, p. 910
111-9-123	New	V. 23, p. 910
111-1-1		
through		
111-11-11	New	V. 23, p. 911-914
111-11-1	Amended	V. 23, p. 1077
111-12-1	New	V. 23, p. 914

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-10-3	Amended	V. 23, p. 93
112-10-5	Amended	V. 23, p. 1073

112-10-6	Amended	V. 23, p. 1073
112-10-6a	New	V. 23, p. 1074
112-10-13	New	V. 23, p. 495
112-13-2	Amended	V. 23, p. 94

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 24, p. 147
115-2-2	Amended	V. 23, p. 1581
115-2-3	Amended	V. 23, p. 1581
115-2-3a	New	V. 23, p. 1582
115-3-2	Amended	V. 24, p. 148
115-4-6	Amended	V. 24, p. 148
115-4-6a	New	V. 24, p. 151
115-4-11	Amended	V. 24, p. 151
115-4-14	New	V. 23, p. 1583
115-5-1	Amended	V. 24, p. 152
115-7-1	Amended	V. 23, p. 1584
115-7-2	Amended	V. 24, p. 153
115-9-4	Amended	V. 24, p. 153
115-11-2	Amended	V. 24, p. 153
115-15-1	Amended	V. 24, p. 154
115-15-2	Amended	V. 24, p. 155
115-18-1	Amended	V. 24, p. 156
115-18-7	Amended	V. 24, p. 159
115-18-10	Amended	V. 23, p. 1043
115-18-14	Amended	V. 23, p. 1585
115-20-1	Amended	V. 24, p. 159
115-20-2	Amended	V. 24, p. 160

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2	Amended	V. 23, p. 1407
117-3-2	Amended	V. 23, p. 1408
117-4-2	Amended	V. 23, p. 1408
117-6-3	Amended	V. 24, p. 77
117-7-1	Amended	V. 24, p. 78
117-8-1	Amended	V. 24, p. 78
117-9-1	Amended	V. 23, p. 150

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